

## TIPP CITY COUNCIL STUDY SESSION

TIPP CITY, MIAMI COUNTY, OHIO

APRIL 20, 2009

### Study Session

City Manager Jon Crusey opened the Study Session at 6:30 p.m. on this date.

### Roll Call

Council Members in attendance included: William D. Beagle, George H. Lovett, President Patrick A. Hale, John E. Kessler, Dolores Gillis, and Vickie Blakey. Others in attendance included: Law Director Joseph P. Moore, Assistant City Manager Bradley Vath, City Engineer Scott Vagedes, Utility Billing Supervisor Stacie Brown, Assistant Utilities Director Christy Butera, Police Chief Tom Davidson, Finance Director Richard Drennen, *Dayton Daily News* reporter Nancy Bowman, and Clerk of Council Cathy Ross.

### Discussion – Golf Carts

Chief Davidson reviewed the attached Powerpoint presentation with Council and stated that when gas prices were soaring, a lot more people began using golf carts or asking questions regarding their use. Chief Davidson stated that based on the Bureau of Motor Vehicle's interpretation of ORC 4501.01, golf carts are regarded as non-motor vehicles which means they can't be titled or licensed because they don't meet equipment and safety standards contained in the ORC. An Ohio Attorney General's Opinion states that golf carts are motor vehicles and must comply with all equipment, licensing, and other laws to legally operate on streets and roadways. Chief Davidson stated that he disagrees with the BMV's interpretation and recommends that golf carts be considered motorized vehicles and believes that an inspection should be required. Because golf carts currently aren't required to be licensed, most don't have safety belts, and some people carry children on them. Chief Davidson stated that inspections would require minimal equipment and that probably only one officer would be trained and inspections would be available on an appointment basis for a minimal charge.

Mr. Lovett asked how the City would handle events like the Mum Festival. Chief Davidson stated that the ordinance could be worded to exclude special uses like festivals, parades, etc.

Mr. Crusey noted that permitting golf carts on the roadway but not requiring inspection could result in a liability issue.

Mrs. Blakey added that she is concerned with the impact this type of legislation might have on motorized scooters for disabled citizens.

Mrs. Gillis questioned how often motorized vehicles would have to be inspected and Chief Davidson stated that Council could make that determination – whether it be once or annually. His opinion would be a one-time inspection. Mrs. Gillis then asked if residents would be required to get the vehicles licensed through the BMV. Chief Davidson replied that they would.

Mr. Kessler suggested that a community meeting be held to get input from residents on this topic. Mr. Crusey and Chief Davidson will contact known owners and will also put an article in the newspaper regarding a public meeting.

Sewer Treatment  
Charges

Mr. Drennen reported that sewer rates are comprised of two parts: 1) a charge to operate and maintain the sewer system and 2) treatment charges billed by Tri-Cities. In 2008 Tipp City sewer customers paid \$599,245 in treatment charges and the City was billed by Tri-Cities \$647,832. This left a shortage of \$48,586 which will continue to occur if rates aren't raised. Mr. Drennen stated that an increase of \$.13 per 1,000 gallons is required to make up the difference in the amount charged and the amount billed by Tri-Cities. The City Manager is authorized to adjust the treatment fees administratively. Council concurred with increasing the treatment fees.

FACT-ACT

City Attorney Joseph Moore informed Council that the FTC has passed the FACT-ACT (Fair and Accurate Credit Transactions Act) requiring utilities to enact legislation to be passed by the governing body. This policy places into effect red flags regarding the possibility of identity theft. Mr. Moore added that training sessions will be held with staff regarding this new policy. A resolution is on tonight's agenda which must be in place before May 1, 2009.

Traffic Control  
Interconnect Bids

Mr. Vagedes reviewed the Traffic Signal Interconnect Project bids received on April 9th with Council, described the Alternates specified in the bid, and requested Council's direction on the decorative style poles & mast arms they would like for the three intersections at Hyatt, Tippecanoe, & Garber. ODOT required the City to bid plain round traffic signal poles with plain round mast arms, with cobra head lighting, all in black as the Base Bid. ODOT would allow the grant money to pay the percentage for these base bid poles, mast arms, & cobra head lights. The City would pay for the upgrade to decorative traffic signal poles & mast arms. Alternate A specified fluted traffic poles to match our decorative street light poles, but would have plain round mast arms. Alternate B specified fluted traffic poles and fluted mast arms. Alternate C provided matching decorative Lumec lantern lights, the same as our Main Street Streetscape lights, in lieu of the cobra head lights. All poles & mast arms were specified to be black powder-coated. Mr. Vagedes informed Council that the bids for this project came in \$65,000 under budget, even if Alternate B & C were selected. If Alternate A & C were selected, the cost would be approximately \$11,000 less. Mr. Kessler stated that he would like to see fluted traffic poles and round mast arms to save money. The majority of Council members stated that they would like to see the fluted traffic poles and fluted mast arms, consistent with the Streetscape project given this is a long-term investment. Mr. Vagedes stated that he hopes to have a resolution to present to Council after the City receives concurrence to award the contract by ODOT.

Adjournment

The study session concluded at 7:35 p.m.

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Patrick A. Hale, President of Council

Attest: \_\_\_\_\_  
Cathy Ross, Clerk of Council

## **TIPP CITY COUNCIL MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**APRIL 20, 2009**

### **Roll Call**

President Patrick A. Hale called to order the regular meeting of the Tipp City Council at 7:30 p.m. Roll call showed the following Councilmembers present: William D. Beagle, George H. Lovett, President Patrick A. Hale, Dolores Gillis, Vickie Blakey, and John E. Kessler.

Others in attendance: City Manager Jon Crusey, Law Director Joseph P. Moore, Police Chief Tom Davidson, Assistant Utilities Director Christy Butera, Finance Director Richard Drennen, City Engineer Scott Vagedes, *Dayton Daily News* reporter Nancy Bowman, *Sunday Record Herald* reporter Joyell Nevins, and Clerk of Council Cathy Ross.

Guests signing the register included: Pastor Brian Brown, Steven Chaney, Kaitlin Patzek, Kyle Osborn, Bill Duff, Mike Dansereau, Justin Klosterman, Corrie Jones, Karen Allen, Kristen Smity, Jason Salyer, Anthony Schubert, David Schubert, Amanda Howard, Emily Gross, Heather Moore, Shelby Walker, Travis Farrell, Kyle Zellers, Ben Shaw, Rachid Rabi, Joe Gibson, Kayla Gibson, Megan Gotthardt, Kayla Huelsman, Andrew Leshner, Danielle Ernst, Logan Hicks, Ashley Huezda, and Ellen Cotterman.

### **Invocation and Pledge of Allegiance**

Pastor Brian Brown from Ginghamburg United Methodist Church delivered the invocation and President Hale led the Pledge of Allegiance.

### **Excuse Absence**

President Hale moved to excuse Mayor Evans from the meeting, seconded by Mr. Lovett and unanimously approved.

### **Approval of Agenda**

The agenda was approved by a motion from Mrs. Gillis, seconded by Mr. Beagle.

### **Adoption of Minutes**

President Hale moved, seconded by Mr. Lovett, to approve the minutes of the April 6, 2009 Pre-Meeting Study Session. The motion carried 6-0.

Mr. Lovett moved, seconded by Mrs. Gillis, to approve the minutes of the April 6, 2009 Meeting. The motion carried 6-0.

### **Presentations, Proclamations, and Awards**

President Hale named April 24, 2009 as Arbor Day and presented a Proclamation to Bill Duff from the Tipp City Tree Board.

### **Ordinance (Second Reading)**

There were none.

### **Resolutions (One Reading Required)**

The following resolutions were presented to City Council for adoption.

#### **Resolution 17-09 Peak Power Agreement**

Resolution No. 17-09: A resolution authorizing and directing the City Manager to enter into a Peak Power Agreement with American Municipal Power-Ohio (AMP-O).

**Resolution 18-09**  
Interruptible Load  
Services Agreement

Clerk of Council Summary: This resolution authorizes the City Manager to enter into an agreement with AMP-O for back-up generation

City Manager Report - This resolution authorizes the City Manager to enter into a Peak Power Agreement with American Municipal Power – Ohio. The City had a contract with Peak Energy for these services; however, Peak Energy is no longer providing the service. This agreement provides monthly compensation to the City because of our ability to take less energy from the grid by going on back-up generation. AMP-O will pass along 100% of the credit to Tipp City and the majority of that credit is then passed on to Meijer and NAWA per contracts for the use of their generators. Tipp City currently receives approximately \$15,700 per month and can be called upon a maximum of 10 times per planning year (June 1 through May 31) to reduce our load.

There being no further discussion, Mr. Beagle sponsored this resolution and moved for its adoption, seconded by Mrs. Blakey.

The motion carried with a 6-0 vote. Resolution 17-09 was declared passed and President Hale affixed his signature in witness thereto.

Resolution No. 18-09: A resolution authorizing and directing the City Manager to enter into an Interruptible Load for Reliability Services Agreement with Meijer and Northern Area Water Authority (NAWA).

Clerk of Council Summary: This resolution makes slight changes to the current agreements in place with Meijer and NAWA for their available back-up generation capacity.

City Manager Report - The adoption of this resolution authorizes the City Manager to enter into agreements with Meijer and NAWA that would compensate them for the back-up generation capacity that they have available. These back-up generation sources may be called upon up to 10 times per planning year (June 1 through May 31). The current credit is \$3.50/kw, of which the City passes along \$3.25/kw to the customer and retains \$0.25/kw. This agreement provides the customer with a source of revenue for a back-up generator that is necessary for their business operations and also helps to reduce the City's electric expenses.

There being no further discussion, Mr. Lovett sponsored this resolution and moved for its adoption, seconded by Mrs. Gillis.

The motion carried with a 6-0 vote. Resolution 18-09 was declared passed and President Hale affixed his signature in witness thereto.

**Resolution 19-09**  
FACT-Act

Resolution No. 19-09: A resolution authorizing and directing the City to implement an Identity Theft Prevention Program as required by the Fair Credit Reporting Act and by the Fair and Accurate Credit Transactions Act.

Clerk of Council Summary: Approval of this Resolution will ensure that the City of Tipp City complies with the Federal Trade Commission's Fair and Accurate Credit Transactions Act regarding identity theft prevention programs.

City Manager Report - The Fair and Accurate Credit Transactions (FACT) Act of 2003 requires financial institutions and creditors to develop and implement written identity theft prevention programs by May 1, 2009. The written program must identify relevant warning signs – or “red flags” – of identity theft that you are likely to come across in your business; must set up procedures to detect those red flags; must have appropriate response measures to prevent and mitigate harm if red flags are identified; and must be updated regularly. The adoption of this resolution would approve the Identify Theft Prevention Program for the City’s utility and refuse services accounts.

There being no further discussion, Mrs. Gillis sponsored this resolution and moved for its adoption, seconded by President Hale.

The motion carried with a 6-0 vote. Resolution 19-09 was declared passed and President Hale affixed his signature in witness thereto.

**Citizen Comments**

There were no citizen comments.

**Councilmember  
Comments**

President Hale invited residents to attend the Arbor Day Celebration in Kyle Park on Friday, April 24<sup>th</sup> at 10 a.m. A tree will be planted by the City.

**City Manager Comments**

Mr. Crusey reminded Council that the Chamber of Commerce Business After Hours would be held at Big Robot Café this Thursday, April 23<sup>rd</sup>. He informed Council that the City would be receiving at 3% decrease in health insurance premiums this year.

**Adjourn to Executive  
Session**

President Hale made a motion to adjourn to Executive Session after the meeting to include City Council, Police Chief Tom Davidson, and Mr. Crusey to discuss a personnel matter. Motion was seconded by Mrs. Blakey and unanimously approved.

**Adjournment**

Council adjourned the Executive Session at 8:16 p.m. with a motion made by President Hale, seconded by Mrs. Blakey.

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Patrick A. Hale, President of Council

Attest: \_\_\_\_\_  
Cathy Ross, Clerk of Council